

PROB 12B
(7/93)

Report Date: March 1, 2011
FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

United States District Court

for the

Eastern District of Washington

MAR - 7 2011

JAMES R. LARSEN, CLERK
YAKIMA, WASHINGTON DEPUTY

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**

(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Edwin Walker

Case Number: 2:06CR00097-002

Name of Sentencing Judicial Officer: The Honorable Lonny R. Suko, U.S. District Judge

Date of Original Sentence: 6/18/2007

Type of Supervision: Supervised Release

Original Offense: Distribution of 5 Grams or More of
a Mixture or Substance Containing Cocaine Base, 21

Date Supervision Commenced: 9/10/2010

U.S.C. § 841(a)(1) and 18 U.S.C. 2

Original Sentence: Prison - 60 Months; TSR - 60
Months

Date Supervision Expires: 9/9/2015

PETITIONING THE COURT

To modify the conditions of supervision as follows:

- 16 You shall abstain from the use of illegal controlled substances and alcohol, and shall submit to urinalysis and Breathalyzer testing, as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.
- 17 You shall not enter into or remain in any establishment where alcohol is the primary item of sale.

CAUSE

Edwin Walker violated conditions of his supervised release in Spokane Valley, Washington, on or about February 16, 2011, by being arrested for driving under the influence. Driving under the influence is a gross misdemeanor with a maximum term of confinement of 1 year, as outlined in RCW 46.61.502.

Spokane Valley Police Department records reflect that the offender was detained on the above-referenced date and cited for driving under the influence. According to the arresting officer, Edwin Walker submitted two valid breath samples which resulted in a .158 and .159 readings, respectively.

On February 16, 2011, Edwin Walker contacted the undersigned officer by telephone to advise of the aforementioned law enforcement contact. Later that day, a home visit was conducted to discuss the above-mentioned arrest for driving under the influence.

As an intermediate sanction, Edwin Walker was directed to abstain from the use of alcohol until further notice. Additionally, he was directed to participate in a substance abuse assessment and follow all recommendations for counseling, to include group and individual meetings. The undersigned officer discussed this matter with the chemical

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Re: Walker, Edwin

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dependency counselor and confirmed the offender will begin counseling at once.

Although Mr. Walker admits consuming alcohol to excess on the date noted, he appeared remorseful given his lack of judgment surrounding this incident. It is his intent to follow all court-ordered treatment and/or intervention programs. In fact, he participated in a substance abuse evaluation at Pioneer Human Services on February 18, 2011. He also appeared in Spokane County District Court on the same date regarding this matter.

Edwin Walker was asked whether he would waive his right to a hearing and agreed to the modifications as previously described. As indicated by the enclosed Waiver of Hearing to Modify Conditions of Probation form, Mr. Walker has agreed to the proposed modifications.

It is respectfully recommended that the attached Waiver of Hearing to Modify Conditions of probation be adopted. Please advise should Your Honor require a different course of action or a Court appearance by the offender.

I declare under penalty of perjury that the foregoing is true and correct.

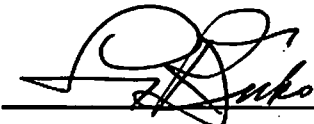
Executed on: 03/01/2011

s/Tommy Rosser

Tommy Rosser
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☐ The Extension of Supervision as Noted Above
- ☒ The Modification of Conditions as Noted Above
- ☐ Other



Signature of Judicial Officer

3/2/11

Date

PROB 49
(3/89)

United States District Court

Eastern District of Washington

Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

To modify the conditions of supervision as follows:

- 16 You shall abstain from the use of illegal controlled substances and alcohol, and shall submit to urinalysis and Breathalyzer testing, as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.
- 17 You shall not enter into or remain in any establishment where alcohol is the primary item of sale.

Witness:



Tommy Rosser
U.S. Probation Officer

Signed:



Edwin Walker
Probationer or Supervised Releasee

3-1-11

Date